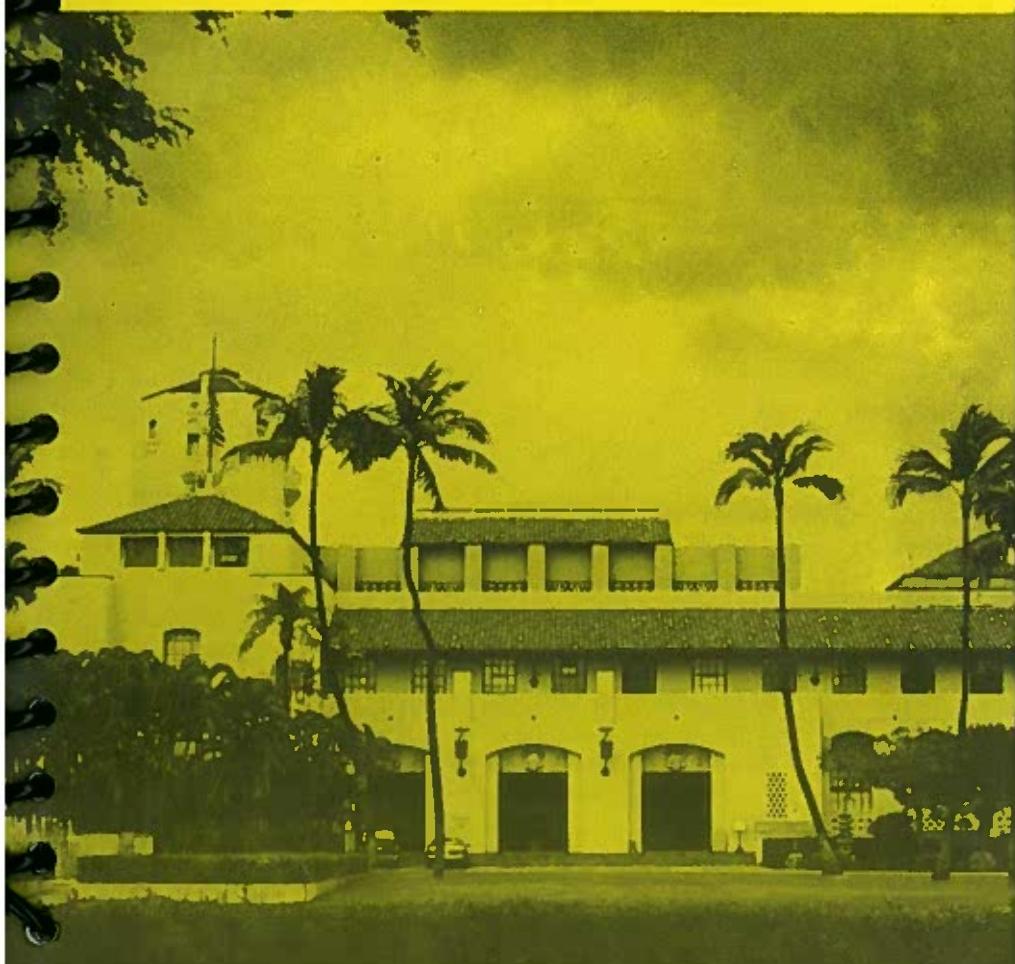


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# REVISED CHARTER

OF THE CITY & COUNTY OF HONOLULU

*(2000 EDITION)*



**ARTICLE VI<sup>14</sup>****EXECUTIVE BRANCH -- MANAGING DIRECTOR  
AND AGENCIES DIRECTLY UNDER THE MANAGING DIRECTOR<sup>15</sup>****CHAPTER 1  
MANAGING DIRECTOR****Section 6-101. Managing Director --**

1. There shall be a managing director who shall be appointed and may be removed by the mayor. The managing director shall be the principal management aide of the mayor. The managing director shall have had at least five years of such training and experience, either in public service or private business, as shall qualify the managing director to perform the executive duties of the managing director's office.

2. The position of the managing director shall be in the office of the mayor.

3. The salary of the managing director shall be established by ordinance. The salary of any incumbent shall be reduced only in the event that a general reduction in salaries of all city officers and employees is simultaneously effected.

4. Should the mayor fail to appoint a managing director within ninety days of the occurrence of any vacancy in the position, unless such period is extended by the council, the council shall make the appointment, but the power to remove the managing director shall nevertheless be vested in the mayor.

(Reso. 83-357)

**Section 6-102. Powers, Duties and Functions --**

The managing director shall:

(a) Supervise the heads of all executive departments and agencies assigned to the managing director by Section 4-102 of this charter.

(b) Evaluate the management and performance of each executive agency, including the extent to which and the efficiency with which its operating and capital program and budget have been implemented, appoint the necessary staff to assist in such evaluation and analyses and to assist the executive agencies in improving their performance and make reports to the mayor on the findings and recommendations of such evaluation and

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<sup>14</sup>In addition to showing amendments to this Charter adopted by the electorate at the 1998 General Election, this article has been extensively rewritten by the corporation counsel pursuant to the authority granted at the 1998 General Election and incorporated into Sections 4-202 and 16-120 hereof. The corporation counsel's redraft was undertaken for the purpose of reflecting the reorganization of these departments proposed by the mayor and agreed to by the council in 1998 pursuant to Resolution No. 98-117, CD-1.

<sup>15</sup>The different departments do not constitute legal entities which are separate and apart from the City and County of Honolulu. City and County of Honolulu v. Toyama, 61 Haw. 156, 598 P.2d 168 (1979).

analyses. A report also shall be made to the police commission when an evaluation and analysis is performed on the police department. A report also shall be made to the fire commission when an evaluation and analysis is performed on the fire department.

(c) Prescribe standards of administrative practice to be followed by all agencies under the managing director's supervision.

(d) Attend meetings of the council and of any board, commission or committee, when requested by the mayor.

(e) Attend meetings of the council and its committees upon request and make available such information as they may require.

(f) Perform all other duties required by this charter or assigned in writing by the mayor.

*(Reso. 83-357 and 94-267)*

#### **Section 6-103. Civil Defense Agency --**

There shall be a civil defense agency headed by a civil defense administrator who shall be appointed and may be removed by the mayor in accordance with law.<sup>16</sup> The civil defense administrator shall:

(a) Develop, prepare and, under disaster or emergency situations, assist in the implementation of civil defense plans and programs to protect and promote the public health, safety and welfare of the people of the city.

(b) Coordinate the civil defense activities and functions of the city with those of the state and federal governments and other public or private organizations for civil defense within the state.

*(1998 General Election Charter Amendment Question No. 3(III), section and subsequent sections renumbered)*

#### **Section 6-104. Citizens Advisory Commission on Civil Defense --**

There shall be a citizens advisory commission on civil defense which shall consist of five members. The commission shall advise the mayor, the council, and the civil defense administrator on matters pertaining to civil defense, and to the promotion of community understanding and interest in such matters. The commission shall be governed by the provisions of Section 13-103 of this charter. *(Reso. 88-196)*

#### **Section 6-105. Royal Hawaiian Band --**

There shall be a Royal Hawaiian Band headed by a band director who shall be appointed and may be removed by the mayor. The band director shall perform such duties as may be required by law. *(Reso. 83-357 and 88-196)*

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<sup>16</sup>The position of civil defense administrator is a civil service position. Malcolm A. Sussel v. City and County of Honolulu, et al., U.S.D.C. Civil Nos. 86-1136 and 88-00375, judgments entered May 4 and May 8, 1989, affirmed by U.S.C.A. (9th Circuit) May 9, 1991; Sussel v. City and County of Honolulu Civil Service Commission, 71 Haw. 101, 784 P.2d 867 (1989); Sussel v. Civil Service Commission of the City and County of Honolulu, 74 Haw. 599, 851 P.2d 311 (1993).

the director shall hold a public hearing thereon. The director shall specify the particular evidence which supports the granting of a variance. (*Reso. 83-357; 1992 General Election Charter Amendment Question No. 5; 1998 General Election Charter Amendment Question No. 1(III)*)

## CHAPTER 16 POLICE DEPARTMENT

### Section 6-1601. Organization --

There shall be a police department which shall consist of a chief of police, a police commission and the necessary staff. The chief of police shall be the administrative head of the police department.

### Section 6-1602. Statement of Policy --

It is hereby declared to be the purpose of this chapter of the charter to establish in the city a system of law enforcement which shall be based on due regard for the constitutional rights of all persons, which shall promote the highest possible degree of mutual respect between law enforcement officers and the people of the city and which shall provide for the expeditious apprehension of those who violate the law. In order that these purposes may be achieved, the police department shall be conducted in accordance with the following:

- (a) Standards of recruitment shall be designed to attract into the service persons with high degrees of education, intelligence and personal stability.
- (b) Promotions shall be based upon fair standards of merit and ability which shall include peacekeeping and law enforcement criteria.
- (c) Grievance procedures for the people and police officers of the city shall be based on due regard for their constitutional rights.

### Section 6-1603. Chief of Police --

1. The chief of police shall be appointed by the police commission for a term of five years. The chief shall have had a minimum of five years of training and experience in law enforcement work, at least three years of which shall have been in a responsible administrative capacity. The chief shall not serve beyond the expiration of a term unless appointed again by the police commission. If desiring to do so, the police commission may appoint an incumbent chief to a new term without first engaging in an applicant solicitation and selection process.

2. Before the expiration of a term to which appointed, the chief may be removed by the police commission only for cause. As prerequisites to removal, the chief shall be given a written statement of the charge and an opportunity for a hearing before the police commission.

3. Gross or continuous maladministration shall be a cause sufficient for removal of the chief. Before removing the chief for such cause, the commission shall give the chief written notice of and a reasonable period to cure the gross or continuous maladministration. If the gross or continuous